

State Procurement Office

## Administrative Rule Changes for Procurement of Health and Human Services

Nothing endures but change  
**-Heraclitus**

### A Little Bit about SPO

- Chapter 103D, HRS – The Procurement Code  
(goods services and construction)
- Chapter 103F, HRS – Purchases of Health and  
Human Services (This workshop)
- Inventory Management & Excess Property
- Surplus Property
- Travel Administrator
- Administrator: Aaron Fujioka

## About Chapter 103F and Chapter 103D

Chapter <b>103D</b> , HRS	Chapter <b>103F</b> , HRS
The Procurement Code	Purchases of Health and Human Services
Goods, services and construction	Health and human services
Applies to: State & county agencies	Applies to: State agencies Optional for Counties

## Hawaii Administrative Rules

### A quick guide to knowing what has changed

- The summary at the beginning of each chapter
- What are those funny notations at the end of each section?



## **The Funny Notations at the End of Each Section**

eff	effective
am	amended
comp	compiled
am and comp	amended and compiled
r	repealed
auth	authority
imp	implemented

## **Which Chapters Have Changed**

Which chapters have changed:

**3-140 to 3-147 and 3-149**

What has not changed:

Chapter 3-148

(effective 6/19/99)

is unchanged and remains in effect.

### **Some General Changes**

- Technical changes have been made in all the amended chapters.
- Reporting requirements for all methods of procurement have been amended to allow for more timely reporting.
- Where applicable, reference to electronic submission of proposals or statements of qualifications has been changed in accordance with current technology.
- Where possible, procedures have been centralized and there is less repetition.

### **Chapter 3-140**

#### **Definitions**

- **“Advantageous”** is amended so it defines advantageous each time it occurs in the rules.
- **“POS Coordinator”** has been changed to **“Departmental coordinator.”**

### Departmental Coordinators

AG	Adrian Kwock
DHS	Susy Kawamoto
HCDCH	Barbara Arashiro
DLIR	Yvonne Chong
DOD	Jonathan Ito
DOE	Chris Butt
DOH	Valerie Ako
PSD	Terri Ohta
JUD	Jonathan Wong

#### Chapter 3-141, General Provisions

### Public Procurement Notices

- Public Procurement Notice requirements are centralized in this chapter.
- Publication on the Procurement Notices Website (PNS) is now **required** by HAR.  
(You are required to do this already pursuant to Procurement Circular 2003-04 and its son, 2003-04, Amendment 1 so this should not be something new.)

Chapter 3-141, General Provisions

**Public Procurement Notices** (*continued*)

- Publication in the newspapers is optional.
- You must follow the price list requirements when publishing in a newspaper - see the pricelist for public and procurement notices.
- Note: Section 3-141-407, HAR, only refers to procurement notices (including RFIs). It does not refer to other kinds of public notices.

Chapter 3-141, General Provisions

**Procurement Notices for RFPs**

- Public notices shall be posted until the submittal deadline but not less than 28 days.
  - This is an increase from 21 days.
  - Allow more time when possible.

Chapter 3-141, General Provisions

**Exemptions**

- Requests for exemption shall include a notice of exemption.
- All requests for exemption will be posted on the internet for seven days prior to any action by the chief procurement officer to approve.

Chapter 3-141, General Provisions

**Procurement Violations**

- This is a new procedure.
- Procurement violation reports will be placed on the web.
- You will be using form SPO-16 (revised 2/06).

Chapter 3-142

**Planning**

- Planning is **mandatory**.
- A brief reference to agency planning activities shall be included in each RFP.
- Planning documents referenced in the RFP shall be available to the public.
- The planning activities schedule for a particular service **shall** be determined by the length of the service contract.

Chapter 3-142, Planning

**Requests for Information (RFI)**

- At a minimum, a state agency shall prepare a request for information prior to the development of an RFP to obtain community input and facilitate community planning activities.
- **Public notice.** Notice of RFIs shall be posted on the PNS for a minimum of seven days.
- **Federal Grant Applications.** Clarifies the use of RFIs in accordance with applying for federal grants pursuant to section 3-143-614.



Chapter 3-142, Planning

**Planned Purchases**

Changes the requirements for reporting planned purchases to allow for more timely updates.

Chapter 3-143, Competitive Purchase of Service

**Requests for Proposals**

- **Proposal submittal deadline** is 28 days from the date RFP is first available.
- **Service specifications.** Adds that the method of payment shall be included in the RFP.
- **Orientation and responses to questions.** Substantive matters raised at orientation and responses to questions shall be issued by addendum.
- **Final Revised Proposals.** Shall be issued via an addendum rather than just a notice.

Chapter 3-143, Competitive Purchase of Service

**Requests for Proposals** *(continued)*

- **Multiple awards.** Adds types of criteria that may be used as a basis for multiple awards.
- **Joint requests for proposals.** Adds a procedure for two or more purchasing agencies to issue a joint request for proposals.

Chapter 3-143, Competitive Purchase of Service

**Requests for Proposals** *(continued)*

**Proposal Evaluation**

Numerical evaluations shall include written explanation of scores in accordance with criteria stated in the request for proposals.

Chapter 3-143, Competitive Purchase of Service

**Requests for Proposals** *(continued)*

- **Registration.** Pre-registration process is deleted as it is no longer needed. State agencies shall ensure providers are in good standing with the DCCA prior to contracting.
- **Substitute Provider after early termination of contract.** Clarifies the procedure for selection of a substitute provider

Chapter 3-143, Competitive Purchase of Service

**Applications for Federal Funding**

- Title is amended.
- When utilizing the RFI process in order to include a provider(s) in an application for a federal grant pursuant to section 3-143-614, a written justification for selection of the provider shall be included in the procurement file.

Chapter 3-144

**Restrictive Purchase of Service  
Public Notice**

- Requires public notice to be posted on a central website for a minimum of seven days prior to any approval action by the chief procurement officer.
- Notice in the newspaper is no longer required.

Chapter 3-144

**Restrictive Purchase of Service**

- **Protest.** Protest submittal deadline shall be the seventh day after the notice is first published.
- **Amendments.** Establishes a procedure for requesting an amendment to a restrictive purchase of service under certain circumstances.
  - Extending the contract up to 6 months providing the service will not be needed after that period.
  - Changing the scope to enhance the scope due to unforeseeable circumstances.

Chapter 3-145

**Treatment Purchase of Service**

- **Selection of Provider.** At least three applicants shall be contacted, when applicable.
- **Negotiations.** Clarifies procedure when negotiations with a selected provider fail.

**Thanks for coming.**

**Questions?**

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Corinne 587-4706 or [corinne.y.higa@hawaii.gov](mailto:corinne.y.higa@hawaii.gov)

The SPO website

[www.spo.hawaii.gov](http://www.spo.hawaii.gov)



For administrative rules

Click “Statutes and Administrative Rules”

*Coming soon to the web*

Reference to the Administrative Rules for  
Health and Human Services